

February 20, 2009

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
February 20, 2009

I. OPENING OF MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET,  
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 16, 2009

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR  
MEETING HELD JANUARY 16, 2009?**

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

**A. Report on Exempt Positions**

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging .....	163.....	9
Agriculture .....	439.....	17
Arts Council.....	21.....	2
Capitol Development Board .....	36.....	0
Central Management Services .....	1,486.....	110
Children and Family Services .....	3,151.....	49
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	411.....	67
Commerce Commission.....	72.....	0
Corrections.....	11,676.....	115
Criminal Justice Authority .....	58.....	6
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	10.....	1
Emergency Management Agency .....	94.....	6
Employment Security.....	1,763.....	25
Environmental Protection Agency .....	968.....	19
Financial & Professional Regulation .....	744.....	49
Guardianship and Advocacy .....	106.....	8
Healthcare and Family Services.....	2,452.....	29
Historic Preservation Agency .....	198.....	12
Human Rights Commission .....	14.....	2
Human Rights Department .....	145.....	10
Human Services .....	14,337.....	77
Investment Board.....	3.....	2
Juvenile Justice .....	1,182.....	20
Labor.....	80.....	7
Labor Relations Board Educational .....	12.....	2
Labor Relations Board State .....	19.....	2
Law Enforcement Training & Standards Bd.....	19.....	1
Medical District Commission .....	2.....	0
Military Affairs .....	127.....	3
Natural Resources .....	1,322.....	24
Pollution Control Board.....	19.....	2
Prisoner Review Board .....	20.....	0
Property Tax Appeal Board .....	20.....	1
Public Health.....	1,127.....	45
Revenue .....	2,110.....	70
State Fire Marshal .....	146.....	13
State Police .....	1,412.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems .....	83.....	2
Transportation .....	4,295.....	0
Veterans' Affairs.....	1,107.....	7
Workers' Compensation Commission .....	164.....	10
<b>TOTALS .....</b>	<b>51,630.....</b>	<b>832</b>

**B. Governing Rule – Jurisdiction B Exemptions**

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
  - 1. The Governor, or
  - 2. A departmental director or assistant director appointed by the Governor, or
  - 3. A board or commission appointed by the Governor, or
  - 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
  - 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
  - 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
  - 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
  
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
  - 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
  - 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.
  - 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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**C. Illinois Department of Children and Family Services – Proposed Exemption  
(continued from January 16, 2009)**

Position Number	40070-16-13-700-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Residential Monitoring
Functional Title	Associate Deputy Director of Residential Monitoring
Incumbent	Norman Brown
Supervisor	Deputy Director of Monitoring/Quality Assurance, who reports to Chief of Staff, who reports to the Director
Location	Cook County

**CMS Recommendation:** “The position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?**

**C: Associate Deputy Director of Residential Monitoring**

V. CLASS SPECIFICATIONS

**The following class titles were submitted for creation by the Director of Central Management Services:**

Position Titles:

- A. Juvenile Justice Youth & Family Specialist (Option 1) (new)
- B. Juvenile Justice Youth & Family Specialist (Option 2) (new)
- C. Juvenile Justice Youth & Family Specialist Supervisor (new)

Classification Analysis: “The proposed new series includes professional work typically performed by Correctional Counselor positions, and Correctional Casework Supervisor positions in the Department of Juvenile Justice. These classifications were originally developed for positions in the Department of Corrections, but with the creation of the Department of Juvenile Justice, the requirements of the Counselor series do not reflect the minimum college degree requirement called for in legislation and also do not reflect the full range of treatment and services intended for these positions. The new series reflects community-based jobs as well as counseling positions within the agency providing a range of casework services, including counseling, treatment, and service provider liaison functions to meet the needs of youth. With the range of work that may be assigned to the Juvenile Justice Youth and Family Specialist, specialized skills should be recognized for this professional work. The supervisory level provides for the

supervision of professional counseling and treatment staff either in institutional settings or in community-based settings providing parole and coordination with community-based services including educational systems and employment providers.

The Department of Juvenile Justice Law (730 ILCS 5/3-2.5-5), created a separate agency to serve the needs of youth offenders whose purpose is ‘... to provide treatment and services through a comprehensive continuum of individualized educational, vocational, social, emotional, and basic life skills to enable youth to avoid delinquent futures and become productive, fulfilled citizens.’ This law sets out the academic qualifications for new employees providing such services to youth offenders at (730 ILCS 5/3-2.5-15 (b)), and sets the base of qualifying education as follows:

- (b) Department of Juvenile Justice personnel who are hired by the Department on or after the effective date of this amendatory Act of the 94<sup>th</sup> General Assembly and who participate or assist in the rehabilitative and vocational training of delinquent youths, supervise the daily activities involving direct and continuing responsibility for the youth’s security, welfare and development, or participate in the personal rehabilitation of delinquent youth by training, supervising, and assisting lower level personnel who perform these duties must be over the age of 21 and have a bachelor’s or advanced degree from an accredited college or university with a specialization in criminal justice, education, psychology, social work, or a closely related social science. This requirement shall not apply to security, clerical, food service, and maintenance staff that do not have direct and regular contact with youth. The degree requirements specified in this subsection (b) are not required of persons who provide vocational training and who have adequate knowledge in the skill for which they are providing the vocational training.
- (c) Subsection (b) of this Section does not apply to personnel transferred to the Department of Juvenile Justice on the effective date of this amendatory Act of the 94<sup>th</sup> General Assembly. (Source: P.A. 94-696, eff. 6-1-06)

The Juvenile Justice Youth and Family Specialist will provide a standardized set of counseling and supportive services to youth, with results-oriented measures of outcomes. A focus on service delivery, with a de-emphasis on paperwork and organizational hierarchy is expected to result in significant improvements over time. The consolidated of class levels is intended to reduce the distraction of narrow work distinctions and disruptions which have directed staff time away from the organizational mission to rehabilitate youth. The agency proposed a focus upon professional staff development through continuing education and training. To this end, a dual pay option has been developed which recognizes the benefit of a related Masters degree in this professional specialist role, consistent with an improved facility in achieving measurable outcomes in rehabilitation and counseling of youth.

While the class affords a direct entry path for experienced rehabilitation workers, use of the JJ Specialist Intern and JJ Specialist classifications affords a career path for professional development of candidates who will have educational backgrounds in counseling and therapy to provide for the rehabilitation of youth.”

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**WILL THE COMMISSION APPROVE THE CREATION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE MARCH 1, 2009?**

**A: Juvenile Justice Youth & Family Specialist (Option 1)**

**B: Juvenile Justice Youth & Family Specialist (Option 2)**

**C: Juvenile Justice Youth & Family Specialist Supervisor**

**WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?**

VI. MOTION TO GO INTO EXECUTIVE SESSION

**PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?**

VII. RECONVENE MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

<b>Agency</b>	12/31/08	<b>1/31/09</b>	1/31/08
Agriculture	0	<b>0</b>	1
Arts Council	0	<b>0</b>	1
Central Management Services	2	<b>2</b>	2
Children and Family Services	3	<b>3</b>	4
Criminal Justice Authority	0	<b>1</b>	0
Employment Security	5	<b>4</b>	0
Healthcare and Family Services	9	<b>3</b>	6
Historic Preservation	0	<b>0</b>	1
Human Services	0	<b>2</b>	4
Natural Resources	14	<b>4</b>	7
State Police	1	<b>1</b>	0
State Retirement Systems	0	<b>0</b>	0
Transportation	17	<b>17</b>	62
Veteran's Affairs	2	<b>3</b>	0
Workers' Compensation Commission	5	<b>1</b>	0
<b>Totals</b>	58	<b>41</b>	88

IX. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

- **DISCHARGE**

**DA-44-08**

Employee	Sandra K. Young	Appeal Date	05/07/08
Agency	HFS	Decision Date	02/06/09
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Violated hiring practices; falsified promotional applications; violated computer usage policy	Recommended Decision	Charges are partially proven and warrant discharge.

**DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?**

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

- **DISMISSED**

**RV-17-09**

Employee	Gail D. Lemon	Appeal Date	11/12/08
Agency	DVA	Decision Date	01/23/09
Type	Rule Violation	ALJ	Daniel Stralka
Alleged Violations	Incorrect rate of pay; tuition reimbursement; utilization of benefit time; overtime assignments; maltreatment; improper discipline; maintenance of health and life insurance; and status of pending grievances	Proposed Finding	Dismissed; appeal is moot since her discharge was upheld.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSED FINDING IN THE ABOVE MATTER?**

- **DISMISSED**

**DA-21-09**

Employee	David Knapp	Appeal Date	12/10/08
Agency	DOC	Decision Date	01/14/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Dismissed; withdrawn.

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**DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED  
DECISION IN THE ABOVE MATTER?**

XI. STAFF REPORT

XII. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Friday, March 20, 2009 at 11:00 a.m. in  
the Commission's Chicago office.**

XIII. MOTION TO ADJOURN